

Practitioner's Docket No. 13189.136

## CHAPTER II

## IN THE UNITED STATES ELECTED OFFICE (EO/US)

PCT/EP99/09977	15 December 1999 (15.12.99)	16 February 1999 (16.02.99)
International Application Number	International Filing Date	International Earliest Priority Date

U.S. Application Serial No.: 09/913,695

Filing Date: 16 Aug 2001

TITLE OF INVENTION: METHOD AND DEVICE FOR GENERATING AN ENCRYPTED  
USER DATA STREAM AND METHOD AND DEVICE FOR PLAYING  
BACK AN ENCRYPTED USER DATA STREAM

APPLICANT(S): Rump, Niels; Koller, Juergen and Brandenburg, Karlheinz

ATTENTION: EO/US

Box PCT

Assistant Commissioner for Patents

Washington, DC 20231

COMPLETION OF FILING REQUIREMENTS  
FOR INTERNATIONAL APPLICATION ENTERING U.S. NATIONAL STAGE  
IN U.S. ELECTED OFFICE (EO/US) UNDER 35 U.S.C. section 371

This replies to the Notice of Missing Requirements under 35 U.S.C. Section 371 and 37 C.F.R. Section 1.495 (FORM PCT/DO/EO/905). A copy of FORM PCT/DO/EO/905 accompanies this response.

## DECLARATION OR OATH

I. No original declaration or oath was filed. Enclosed are the following documents for this application:

1. Original Combined Declaration And Power Of Attorney;
2. Signature By Joint Inventor(s) On Behalf Of Nonsigning Inventor(s) Who Cannot Be Reached; and
3. Statement Of Facts In Support Of Filing On Behalf Of Nonsigning Inventor, with attachment.

Also enclosed is the English translation of the Notification Of Transmittal Of Copies Of Translation Of The International Preliminary Examination Report.

## CERTIFICATE OF MAILING (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to ATTENTION: EO/US, Box PCT, Assistant Commissioner for Patents, Washington, DC 20231.

Elaine C. VonSpreckelsenDate: November 9, 2001Elaine C. VonSpreckelsen  
Signature

Doc. 3236

(Completion of Filing Requirements for International Application Entering U.S. Elected Office (EO/US)-page 1 of 2)

## FEES

### II. Surcharge fees

Surcharge set forth in 37 C.F.R. Section 1.492(e) for accepting the declaration later than 30 months after the priority date in filing an application in the U.S. as a designated office:

\$130.00

### Total Fees

\$130.00

## EXTENSION OF TIME

- III. The proceedings herein are for a patent application. Accordingly, the provisions of 37 C.F.R. Section 1.136(a) apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## TOTAL FEE DUE

- IV. The total fee due is:

Completion fee(s): \$130.00

**TOTAL FEE DUE** \$130.00

## PAYMENT OF FEES

- V. Charge Account No. 50-1848 in the amount of \$130.00. A duplicate of this request is attached.

## AUTHORIZATION TO CHARGE ADDITIONAL FEES

- VI. The Commissioner is hereby authorized to charge the following additional fees that may be required by this paper and during the entire pendency of this application to Account No. 50-1848:

37 C.F.R. Section 1.492(a)(1), 1.492(a)(4) (filing fees)

37 C.F.R. Section 1.492(b), (c), and (d) (presentation of extra claims)

37 C.F.R. Section 1.17 (application processing fees)

37 C.F.R. Section 1.17(a)(1)-(5) (extension fees pursuant to section 1.136(a))

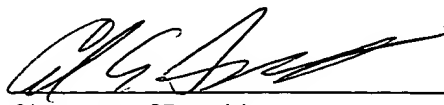
37 C.F.R. Section 1.492(e) and/or (f) (surcharge fees for filing the declaration and/or an English translation of an international application later than 30 months from the earliest-claimed priority date).

01/17/2002 UEDUVIJE 00000093 501848 09913695

01 FC:154 130.00 CH

Date: 1/10/01

Reg. No.: 28,494  
Tel. No.: 303-379-1114  
Fax No.: 303-3791155

  
\_\_\_\_\_  
Signature of Practitioner  
Carl A. Forest  
Customer No.: 24283

Carl  
Fitz

PATENTANWÄLTE

European Patent Attorneys  
European Trademark Attorneys

Patentanwälte · Postfach 710867 · 81458 München

PATTON BOGGS LLP

Attn.: Mr. Carl A. Forest, Ph.D.

867 Coal Creek Circle #200

Louisville, CO 80027

U. S. A.

RECEIVED  
AUG 14 2001  
SdJ  
8/14/01

Fritz Schoppe, Dipl.-Ing.  
Tankred Zimmermann, Dipl.-Ing.  
Ferdinand Stöckeler, Dipl.-Ing.  
Franz Zinkler, Dipl.-Ing.

Telefon/Telephone 089/790445-0  
Telefax/Facsimile 089/790 22 15  
Telefax/Facsimile 089/74996977  
e-mail: szsz\_iplaw@t-online.de

Fax  
Confirmation

July 24, 2001

National Phase of International Patent Application

PCT/EP99/09977

Applicants: RUMP, Niels et al.

Your ref.: unknown - Our ref.: FH991204PUS/dg

Dear Mr. Forest:

Please be informed that the first inventor, Mr. Niels RUMP could not be found. Thus, it will not be possible to provide you with signature documents in the name of Mr. RUMP.

Please advise how to proceed in this case and/or send us any necessary documents, e.g. a specific declaration for proving Mr. RUMP's untraceability.

We thank you very much for your assistance in this matter and look forward to receiving your prompt reply.

Very truly yours,

  
Fritz Schoppe

## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FH991204.PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP99/09977	International filing date (day/month/year) 15 December 1999 (15.12.99)	Priority date (day/month/year) 16 February 1999 (16.02.99)
International Patent Classification (IPC) or national classification and IPC H04N 7/16, H04H 1/00		
Applicant FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER ANGEWANDTEN FORSCHUNG E.V.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 13 September 2000 (13.09.00)	Date of completion of this report 17 November 2000 (17.11.2000)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP99/09977

## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

☐ the international application as originally filed.

☒ the description, pages 1-19, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the claims, Nos. 1-17, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

☒ the drawings, sheets/fig 1-4, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 99/09977

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	1-17	YES
	Claims		NO
Inventive step (IS)	Claims	1-17	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-17	YES
	Claims		NO

**2. Citations and explanations.****1. PCT Article 33****1.1 Claim 1**

The following documents are referred to:

D1: DE-C-196 25 635

D2: US-A-5 303 303

Document D1 is not cited in the international search report but is mentioned and summarised in the description (page 2).

According to D1 it was previously known to generate an encrypted multimedia data stream in which a destination data block (initial block or header) is followed by a user data block which is at least partially encrypted (see D1, Figure 3).

Claim 1 of the present application also provides for the generation of a header (initial block (12)). The position of the header in the data stream is not fixed, but it can also be at the beginning of the data stream, as is known from D1. This claimed feature is therefore not novel.

Document D2 (see the abstract and Figure 1) discloses a header at the beginning of a data stream and also another

header at the end of the data stream. A person skilled in the art would therefore be able to conclude that header information can be inserted not only at the beginning of a data stream but also in other positions in the data stream. To this extent the claimed feature could not be considered inventive even if it were novel over D1.

Claim 1 also provides for the generation of a user data block, as in D1 and D2. According to Claim 1, an encrypted second part of the user data block is preceded by an unencrypted first part. The object of the process in the context of the decryption of multimedia files is to be able to have a preview function and also to allow immediate playback with limited hardware requirements.

Thus the user data block according to Claim 1 is in effect only partially encrypted, as is known from D1. However, D1 does not disclose the possibility of having the unencrypted part precede the encrypted part. D1 merely proposes partial encryption and shows (Figure 3) the unencrypted part following the encrypted part.

In the light of the disclosure of D1, a person skilled in the art might consider arranging the two parts in the opposite order (unencrypted before encrypted), as claimed in the present application. However, there is nothing to specifically prompt him to change the order explicitly disclosed in D1. Moreover, the problem solved by the present invention is neither known from nor suggested by the available prior art.

Claim 1 is therefore considered to involve an inventive step and thus meets the requirements of PCT Article 33(2) and (3).

**1.2 Claim 6**

Claim 6 relates to the playing back of an encrypted multimedia data stream that can be generated by the process defined in Claim 1. The special process features defined in Claim 6 are as follows:

- (a) the initial block data required in order to start playing the (unencrypted) initial portion of the user data block is processed;
- (b) the unencrypted initial portion of the user data block is played back.

Neither of these features is known from or suggested by the prior art (D1 and D2).

Hence the requirements of PCT Article 33(2) and (3) are met.

**1.3 Claims 12 and 13**

Device Claims 12 and 13 correspond to Claims 1 and 6 and therefore also meet the requirements of PCT Article 33(2) and (3).

**1.4**

The invention is industrially applicable.



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 99/09977

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

2.1 The independent claims have not been drafted in the two-part form defined by PCT Rule 6.3(b). However, the two-part form does not seem to be appropriate in this case.

2.2 The word "Viedeodaten" (page 4, fifth paragraph, line 2) should read "Videodaten".